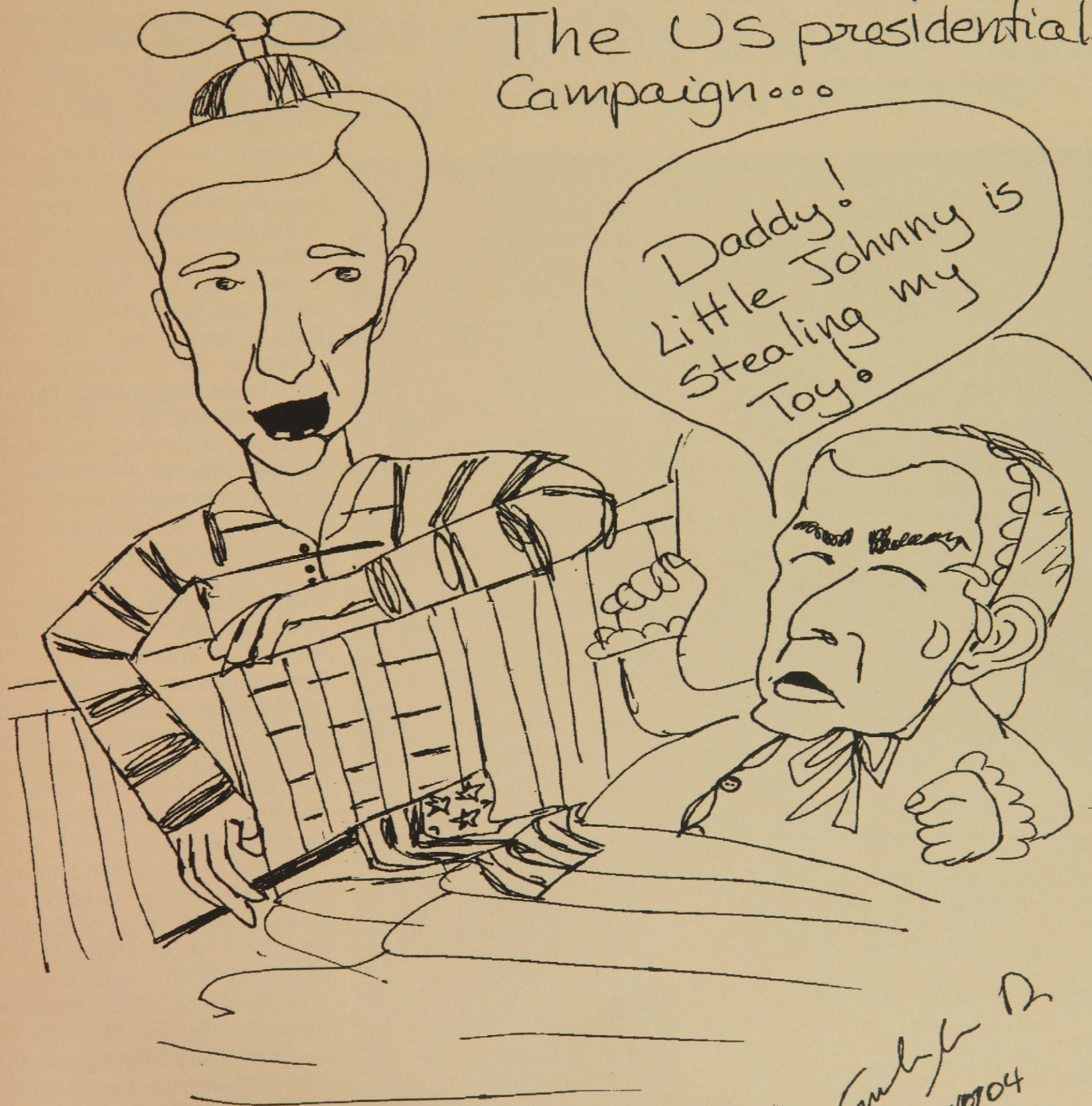


# Quid Novi

McGill University, Faculty of Law  
Volume 25, no. 5 - October 5, 2004

The US presidential  
Campaign...





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## Week in Review...

President Bush said that John Kerry's criticisms of his policies in Iraq are hurting the war effort. Mr. Bush went on to ridicule Mr. Kerry's statement that the U.S. must pass "a global test" before using military force, adding, "I have never passed a test in my life and I'm not going to start now."

An expert panel appointed by the Pentagon concluded that the United States lacks the troops to maintain its current military commitments, and Halliburton was thinking about selling its KBR subsidiary, which handles the company's contracts in Iraq. The Pentagon announced that it will issue microwave pain guns to its forces in Iraq, and Secretary of Defense Donald Rumsfeld admitted that the ongoing war could result in a "limited" election. "Well, so be it," he said. "Nothing's perfect in life, so you have an election that's not quite perfect." Yusuf Islam, formerly known as Cat Stevens, was refused entry to the United States because his name appears on a list of terrorism suspects. Appearing on the Arabic-language network Al-Jazeera, a visibly angry Mr. Stevens threatened to attack the U.S. with the full force of his insipid folk-rock music.

A Leger Marketing poll conducted Sept. 21-26, arguably the most irrelevant poll ever taken, indicates 56 per cent of Canadians supported the Democratic candidate, compared with 19 per cent who backed U.S. President George W. Bush. Bob Dylan, who generally has let the songs speak for themselves, released "Chronicles: Volume 1," a personal history. "I felt like a piece of meat that someone had thrown to the dogs," he writes in the book, available today. Being the voice of a generation, it turns out, has its down side. Crude oil closed at \$48.88 a barrel, a new record, and Starbucks raised its prices 11 percent. David Koresh's 1968 Camaro was sold at auction to a car wash owner from San Antonio, Texas, for \$37,500. California banned necrophilia.

J.M.



# **The McGill Business Law Association First Annual Business Law Speakers Series**

**is Pleased to Present**

Moin A. Yahya, Assistant Professor of Law, University of Alberta

## **The Law & Economics of Regulatory Crimes: Or, What do drugs, lobsters, and Enron have in common?**

**Thursday, October 7, 4:30 PM  
Room 201 New Chancellor Day Hall**

### **Presentation Abstract:**

The United States federal government has created over 3000 separate criminal offenses. Many of them are enforced against defendants who do not know that they are doing anything wrong. The government has essentially removed the mens rea requirement for many regulatory crimes. The United States Supreme Court has gone along with such theories in the past, by either endorsing the government's position that no mens rea is needed for successful regulatory crime prosecutions, or has declined to review lower court convictions of defendants accused of regulatory crimes with no proof of intent. While there are several constitutional and rule of law infirmities with such prosecutions, I argue that such tactics will actually lead to more crime. A system that penalizes businesspeople without a showing of fault will, in the long run, discourage normal risk averse citizens from engaging in business activities. Only risk-loving individuals will undertake such activities. Unfortunately, such individuals are more likely to violate regulatory laws, since they will take a chance that they will not be caught. Hence, a regulatory system that over-penalizes regulatory infractions will lead to more crime. I will examine the implications of this theory for Canada which has thus far taken a more sensible approach to regulatory crimes.

### **Biography:**

Moin A Yahya, Assistant Professor, BA Hons. (Alberta), MA (Alberta), PhD (Toronto), JD (George Mason). Professor Yahya graduated from George Mason University School of Law in 2003. He holds a PhD in Economics from the University of Toronto, where he specialized in Law and Economics. During his PhD he studied the impact of legal and regulatory regimes of firms' capital structures. Before studying law, Professor Yahya was an antitrust economist at the Competition Bureau in Ottawa where he worked on merger review and other civil non-merger cases and participated in the design of regulatory guidelines for strategic alliances. During his time at law school, he was a summer associate at Wilmer, Cutler & Pickering (now Wilmer, Cutler, Pickering, Hale & Dorr) and Steptoe & Johnson, where he worked on substantive and procedural aspects of antitrust, international trade, taxation, and telecommunications litigation.



# A View from Beyond

by Allen Mendelsohn (Alumnus)

As the ratio of porn spam to questions from law students in my email (almendelsohn@hotmail.com) currently stands at infinity, you'll have to sit through a soliloquy today. Although I guess as a soliloquy is probably only spoken (go ask Shakespeare, will you, I'm just a dumb lawyer who should be killed), diatribe might be the better word. Either way, I'm writing, you're reading. And either way, hopefully this column will be more entertaining than the Obs/Torts class you're currently suffering through.

Before we get to the meat of today's column, however, there is something I want, nay, need, to clear up. It's summed up in the following simple statement: I am not Edmund Coates.

Now you may be wondering why I need to self-affirm that I am not someone else. It's for your benefit, people. I know that you see the word "alumnus" next to my name and say to yourself, "Oh great, more insane ramblings from another alumnus like that Edmund Coates guy." Without knowing the players involved, I'd be thinking the same thing. And I do know the players involved.

But believe me - I'm a guy you'd want to have a beer with. Let's load up on some self-aggrandizing. People tell me I'm friendly and outgoing but in a non-threatening way. While I like to think I can converse intelligently about world issues and the law, I'm just as happy (if not more so) talking about The

Simpsons, hockey (or the lack thereof), the Simpsons episode where Lisa plays hockey, or, as we're drinking beer and all, Molson vs. the microbreweries. The point is, I'm a regular guy. I'm like you. I went to Coffee House. I played on some intramural teams. I went to Law Games. I panicked the night before my Successions exam because I hadn't been to class or read anything all semester and all I had was a crappy out of date summary written by an obvious idiot but ended up with a B anyway, the exact same mark I got in Public International Law written the next day where I had attended every class, read every word and made my own summary. I freaked out and cursed McGill over registration problems on MARS, Minerva's telephone-based predecessor, which was much worse, as it would randomly cut you off as you registered, necessitating starting from scratch, if you could get the line. I, like probably most of you, spent considerable time wondering what the fuck to do with my life, often as I waited for MARS to answer my redial.

So my point is that I am just like you, only three to six years ahead in the legal experience space-time continuum. Do you want to know what those three to six years will bring, or don't you? Well maybe you don't, I guess. Maybe you prefer the unknown, even thrive on it like all our fine Federation captains of the future (except Archer who's an idiot). I understand that, and I respect it, and I'll shut up if that's the case. But if you do want to know what those years might bring, just ask.

Well I did say there would be some meat in today's column, so here's a slice of life, such as it is, in a pretty big -- but not too big -- law firm. I get free beverages. We have a lawyers' lounge with a fridge stocked with juices, soft drinks (regular or diet), iced tea (also available in regular or diet), and Perrier. The fridge sits next to a machine that makes instant espressos and cappuccinos that aren't too bad, also for free. If your lawyers are going to work until midnight, you have to keep them caffeinated.

It must be noted, however, that these drinks are free only for lawyers. A support staff who wants a Diet Coke can get one from a machine in the cafeteria for 50 cents. The fact that lawyers making six-figure salaries get free drinks while support staff making considerably less have to pay for them irks me considerably. I often sneak cappuccinos to secretaries I am friendly with (who, as per a recent memo, are now officially called "assistants" in my firm, whatever that semantic difference means), as my own little act of protest. Pretty lame as protests go, I admit, but I've got work to do.

Well now that I think about it, that wasn't really much meat. It was more like a quick carpaccio appetizer (mmm... raw meat). Next time you'll get a T-bone, I promise. Auf wiedersehen. ■

Watch out on November 4th...



# Le Saint-Laurent

par Felix le Gascon

**A** la claire fontaine, m'en allant promener, j'ai trouvé l'eau si belle que je m'y suis baigné. Il y a longtemps que je t'aime, jamais je ne rougirai.

Ce soir il y a une fête inachevée où l'on peut voir flamber la nuit des Patriotes. J'entends Leclerc dans les eaux-vives qui caressent l'île d'Orléans. Son langage est chaste comme les oiseaux qui picotent les herbes sur sa tombe. J'ai dit " les herbes sur sa tombe ", comme des cheveux, comme des ondes filigranées qui vous racontent que rien ne meurt sous terre, que tout y est au chaud, prêt à revenir, comme les volcans, comme le drapeau rouge, blanc et vert!

Je connais mon arrière grand-père pour être pareil à lui. J'ai les mêmes souvenirs et les mêmes espoirs, les mêmes soupirs et le même regard. Je te le jure, j'ai la raison de Champlain dans les jumelles! Et une belle Huronne m'a quelques lunes porté. Le monde saura que la France a fait l'amour à l'Amérique et qu'un enfant fort en est né.

Je sens une forte pression à l'abdomen. J'ai l'estomac ulcéré, la tête tempestive, le regard perçant, les narines gonflées d'un souffle fort. J'ai la barbe très longue, et ma patience est centenaire. J'ai la gorge serrée comme le fleuve à Québec. J'ai le mal du pays dans ma propre maison. Le cartilage de mes os craque comme une coquille, ou comme la glace au printemps. J'ai les bras grand ouverts, accueillant le Saint-Laurent. Les Laurentides ont le front fiévreux. Je ne sais plus si je vis ou si je meurs.

Étant partout sans pays, nous partons, sous la pluie, à l'horizon, d'autres misères.

Je sais au loin que coule la Rivière rouge du sang métissé. J'entends d'ici le murmure manitobain, la corde qui se crispe au cou de Louis Riel.

Sur un radeau de bois pauvre se disperse l'Acadie. J'en ai connu qui avait du cœur au ventre, qui avait les genoux au cœur, qui disait, les mains pleines de religion " C'est y'ou qu'y faut qu'on s'en va? ". S'en est allé le subjonctif, mais est restée la principale : " Il faut partir mais c'est quoi qu'y faut qu'on fait? " Je suis déserté de mille mémoires!

Je rêve encore, patient, au printemps des nations, au Brésil libéré de l'Empire lusitanien, à la constellation de pays nés du royaume espagnol, à la belle et riche Amérique que l'Angleterre ne taxe plus. Et à

la Nouvelle-France, qui encore liée à sa Métropole, se fit enchaîner par une autre! L'Empire des Appalaches n'est plus qu'une colonie colonisée! Jusqu'à l'arbre et jusqu'aux lèvres.

Le roseau, on le plie. Le conifère, on le prie. Dis-moi, je t'en prie, l'eau, ce liquide massif, passe-t-il enfin en son fatal détroit? Peut-on voir le monde maintenant depuis ton promontoire, en as-tu percé le Rocher? Ou bien, est-ce que l'Outaouais, à son passage, salut Montréal comme un prince salut son vassal? Comme le maître donne de l'eau à son chien, qui la boit, au prix d'avoir au cou une marque?!

Qu'il est lourd le fardeau du rien que tu portes! Aurais-tu adopté une vision anti-nietzschéenne de l'existence voulant que la vie soit, au mieux, une volonté de faiblesse? Tu ne seras jamais un homme car tu as du gâteau plein la gueule. Paresseux, tu protestes que c'est ton dû. Bouffi d'orgueil, tu n'honores plus ta vie, ni tes va-et-vient! Tu es une faillite totale. La honte soit sur toi! Tu auras préféré mourir de rien. Émile s'est noyé dans l'abîme du rêve du vieux Montréal, et ce bateau-île, cette Grande-Hermine, en a bientôt fini, elle aussi. Un peu comme le Crucifié, tu auras refusé de prendre couronne, mais en aura gardé les épines. Ton réconfort sera d'opiner qu'un adulte, ça verse le sang; qu'un enfant, un peu moins.

C'est un pays sans couleur, sinon de blanc neige et de noir corbeau. C'est un pays sans voix, sans raison reconnue, un pays nié qui ne fait que guetter ses flancs et parler au futur, un pays disséqué, jugé, censuré, pourfendu. C'est un port sans phare, une pluie sans ciel, un cœur sans cri, un chien sans chienne, une mort sans vie! C'est l'hiver trop de fois par année! Regarde, épluche le calendrier : Octobre, Octobre!...Octobre ! Je m'en souviens, c'est demain!

On a coupé nos os pour écrire dans les journaux qu'on les avait coupés...nos arbres!

Ô peuple conifère, tu es aussi puissant, majestueux et fatidique que le grand saut de Montmorency. Le destin d'une chute c'est de tomber, mais c'est aussi de déboucher sur la mer.

J'entrevois un Cap-aux-Diamants faux pour l'Amérique britannique. Québec, fais-toi belle, fais-toi libre! Prends ton grabat, ta honte et ton courroux et marche! Et cours aux

monts Otish! C'est un chemin qu'il te faut. Et je sais où tu t'en vas car je sais d'où tu t'en viens!

Boulangé, butine, tricote, viens! au monde. Sculpte les phrases au fond des astres! Tatoue-toi un David sur le bras! Lève-toi avant le soleil. Fais la marche du sel! De la croix de Jacques à Hochelaga! Fais-toi castor, fou de bassan, bernache, grand chêne!

De toutes façons, que peut-on attendre d'un capitaine qui hisse vers le sud alors que les matelots fixent le nord? Que peut-on demander à un commandant qui n'écoute ni le vent, ni le temps, ni les oiseaux de mer? Qui paye la main docile, coupe la main fertile, rompt le tronc géant, vante les brins épars, pille le nombre et part, ignore la langue des galériens, jure sur un roi qui n'est pas le mien, qui paye le vent qui le paye encore pour qu'il souffle de l'autre bord.

Les grands feuillus demanderont toujours aux conifères forts pourquoi de vert ils s'habillent, pourquoi ils considèrent l'automne avec un soi-disant mépris. C'est bien plus simple d'être tous les mêmes, se gaveront-ils.

Je ne suis pas contre eux, je suis pour nous.

Nous avons hypothéqué tant de force à éclairer la nuit nos églises cruciformes. Nous avons pelleté tant de tempêtes, tant de ces blancs rêves tombés, tant sué à défricher la terre, tant chanté à faire trembler le monde!

Que fait d'autre la reine que de crever nos poches, de nourrir nos craintes et de crier au traître?

La question n'est pas " Pourquoi partir? ". La question est : " Le Gascon, le connais-tu? ". Levons l'ancre, les voiles, la tête! Si le Fleuve était les Lacs, les Lacs auraient quitté le Fleuve! Laisse choir les coquillages.

Le commandant d'un navire connaît la liberté quand il pose les mains sur son devoir! Ça fait plus de 101 fois que l'histoire égrène son chapelet.

Laisse aller le Saint-Laurent.

Signé,  
Le Gascon ■



# To Women, Men, Or Students At Large Of The Faculty Of Law

by Neil Modi (Law I)

In response to Kara Morris's article "Where Did All the Girls Go?" in last week's Quid, I can say with a fair amount of certainty that they went to the joint meeting of the LSA Executive, Class Presidents, and Student Members of the Faculty Council.

Although more men than women ran for the positions of Faculty Councillors and first year Class Presidents in this fall's election, there was a fairly even distribution of men and women at the joint LSA meeting held last week. There are five female and four male LSA Executives, three female and four male Class Presidents, and one female and three male Student Faculty Councillors. The numbers add up to nine female representatives and eleven male representatives in all fields combined. Is this difference large enough to constitute a crisis of constituent representation based on gender?

Depending on the perspective from which you approach gender politics, you can ask an infinite amount of questions and anticipate an infinite amount of answers. What would your thoughts be if the nine female representatives seemed to hold positions that you considered to be more important than those held by the eleven male representatives? Are females less interested in being Faculty Councillors? What would you think if, despite the fact that fewer females than males ran in this fall's election, females composed the majority of representatives in all fields combined?

Over the next year, you will be able to judge the approaches that your elected representatives take in representing you. When I ran for Faculty Councillor, I didn't think of myself as running in order to represent men in the Faculty. When I gave my 30 second speeches, I was speaking to all law students and I wanted your vote regardless of whether you were male or female. In retrospect, I can note that more women than men asked me specific questions about my platform. Does this actually indicate a greater political curiosity and concern among women than men in our faculty?

More generally, if women as well as cultural groups are underrepresented, what do you think should be done to rectify the situation? If you are a woman, man, or cultural minority and feel that you are underrepresented, what can I do to help? I don't think that anyone should feel politically alienated in a faculty that strives to promote diversity.

E-mail me your thoughts and comments at [nilesh.modi@mail.mcgill.ca](mailto:nilesh.modi@mail.mcgill.ca)

## Important Side Notes:

- In order for the summer course selection to be reflective of your choices, the Faculty Council needs your input. Please fill out and return the Summer Courses Survey that has been circulated to your McGill e-mail accounts. You can also find a paper copy of the survey on the bulletin board next to the LSA office in the basement of OCDH.

- Please remember to bring your red and white McGill Law beer mugs to coffeehouse. Among other things, this is good for the environment, saves you the money of buying a new mug, and lets others know that you are in fact a law student and not just there to take advantage of food that is sponsored by the legal community for law students. ■

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# Passive Bilingualism - c'est trop passif!

by Marc-André Séguin and Michael Jared Simkin (Law II)

**L**a plupart des étudiants de la Faculté de droit savent qu'ils doivent s'attendre à occasionnellement faire des lectures en français et ce, même si la langue d'instruction dans leurs cours est l'anglais. Ceci est la conséquence naturelle de la méthode trans-systémique d'enseignement adoptée par la Faculté.

The ability to read legal texts in French is the basis for the faculty's policy of passive bilingualism that is made clear to all potential applicants before they are admitted. It is hard to imagine exploring the wonderfully codified world that is civil law without a basic understanding of French. This policy is all the more rational and necessary given the number of francophone students admitted to the faculty each year and given the cultural, linguistic and professional environment in which we live.

Mais même le bilinguisme passif doit être entretenu et encouragé. Nous croyons que davantage d'effort devrait être fait pour améliorer le bilinguisme de la Faculté et pour aider les étudiants non francophones à améliorer leurs talents en français. En bref, nous explorerons certaines possibilités qui pourraient rendre plus actif le bilinguisme de notre Faculté.

First, the Faculty claims to encourage students to take classes in French yet it offers few opportunities to do so. Though there are French sections for all 1st year courses, there is only one upper-year course offered in French this semester: Droit des personnes. If students are to fully explore civil and common law in a trans-systemic way, they

should have the opportunity to study advanced legal subjects in French. It is also important to recognize the wealth of francophone students in the faculty by offering French seminar courses in which they can express themselves more comfortably.

En second lieu, les communications de la Faculté sont excessivement unilingues. Le personnel de la Faculté est compétent pour traduire des communications mais, néanmoins, il ne fait pas l'effort. L'exemple du texte de notre doyen dans le numéro précédent du Quid agit comme exemple. Au total, dans le texte d'une page, nous n'avons pu compter que six mots écrits en français... Nous sommes d'avis que chaque élève devrait pouvoir communiquer dans la langue de son choix et il ne serait que minime que les communications officielles se fassent dans le respect des deux langues.

Bilingualism also falls short in the student realm as LSA communications are rarely translated completely and are sometimes entirely unilingual. The LSA represents francophone students as well as Anglophones and Allophones who chose to study at McGill with the express hope of improving their abilities in both official languages. Should we not all be able to read the communications of our representatives in the language of our choice?

Les annonces publiques, beaucoup moins formelles que les deux exemples précédents, nous montrent aussi l'état de la langue française dans les milieux informels. Le choix d'étudier dans une institution bilingue doit

aussi se refléter dans les actes concrets des étudiants au jour le jour. Ces actes pourraient inclure l'effort de traduire un message d'intérêt public sur les babillards (noticeboards), ou publier des affiches bilingues, ou faire des interventions dans les cours dans l'une ou l'autre des langues plus souvent. L'effort étudiant est vital à la réussite d'une Faculté bilingue.

Finally, there is some hope for the future as the Faculty recently changed its policy on out-of-faculty elective credits. The policy, which previously allowed 12 credits of approved out-of-faculty course but prohibited students from taking language courses, now allows students to take 6 credits without restriction. According to Véronique Bélanger, assistant Dean of Student Affairs, many students have opted to take language courses under the new policy. Clearly, students are motivated to improve their language skills.

In conclusion, we offer the following recommendations to make bilingualism more active in the Law Faculty:

- A) More courses should be offered in French. In particular, there should be at least one upper-year seminar offered in French each semester.
- B) All Faculty announcements should be translated in both languages
- C) More students should offer to translate for the LSA
- D) Students should try harder to include both languages in their noticeboard announcements
- E) Students should try harder to participate in both languages while in class. ■



# On Bilingualism: Why Canada Should Note Death From Above 1979

by David Perri (Law III)

Dear Mr. Seguin,

I'm so glad that you've decided to come back to McGill's Faculty of Law for a second year of linguistic (err, legal) discourse! I'm also so very content that you're writing antiquated diatribes in our hallowed Quid again! Wonderful wonderful wonderful! Your insight, wit and wisdom were all missed during this past summer. I swear.

Mr. Seguin, before I begin my response to your latest bit of language-based enlightenment ("Faculte Bilingue?" in September 28th's Quid), I'd like to tell you that you're a model Canadian/canadien. That last statement is probably much to your dismay and chagrin, I know. I'm sure your Franco-Ontarian quest for Quebec sovereignty forbids you from feeling any bit of gratitude for the socially diverse, forward-thinking institution known as Canada. But, I must respond to your comments nonetheless. It's for the good of my (and your) country.

*Quebec "distinctiveness" is nothing more than a Canadian regional anomaly. Every region's got 'em, and Quebec is no different.*

Here's the deal, Mr. Seguin. I articulated my views in a lengthy piece ("Why Canadian Unity Needs The Planet Smashers And Not Nickelback") last academic year. Essentially, I argued that the rest of Canada, and the Canadian microcosm this faculty represents, is only going to become bilingual when hyperbole like yours is set aside. It's simple Pavlovian psychology, really. If you want someone to go forth with the desired effect, you've got to reinforce with something positive. French, in and of itself, is an asset. But in the Canadian context it's been politicized. I'd be willing to wager (metaphorically, of course) that the majority of Canadians outside of Quebec refuse to learn French not out of laziness or apathy, but due to disdain. French, to someone out West, is not-so-subtle code for separatism. Simply,

bilingualism isn't viewed as the amazing opportunity to learn a new language. It's viewed as a waste of time and money, a measure that's only been enacted to pacify the spoiled child known as Quebec.

Let's imagine for a second that you, Mr. Seguin, might want Canadians other than Quebecers to speak French on a regular basis. All you'd have to do to accomplish that not-so-lofty goal is to present the case to other Canadians constructively. To pre-emptively refute the point I know you'll be making in next week's Quid, I'm going to tell you that I'm not touching the Quebec "nation" thing. However, if you do indeed retort back with Quebec being a people of its own, I'll simply remind you that Quebec "distinctiveness" is nothing more than a Canadian regional anomaly. Every region's got 'em, and Quebec is no different. Sorry.

Mr. Seguin, I'm very tempted to squarely tell you that your rhetoric (because that's all it is) is simply wrong. But I won't. I can't, actually. I'm from Montreal, but I don't speak

French well enough to take a class in your mother tongue. Being surrounded by French since birth, you'd think I'd be pretty adept at speaking New France's best. But, my formative teenage years were in and around Referendum 1995. Do you think a 14-year-old Anglo who saw his country almost torn apart by French secessionists would willingly embrace the language? Nope. The exact opposite happened, actually. I consciously revolted against French. In downtown Montreal, I spoke English as frequently and as loudly as I could. It wasn't the best way to deal with things, I know. But I was 14. And I was angry. Can you imagine how the rest of the country felt? Can you imagine the repercussions from '95 (and 1980, conversely) that are still being felt the rest of Canada over?

The simple fact is that French is better protected in Canada than it would be in a sovereign Quebec. How so? It's all a matter of population. Canada is a country of 30 million people. I'll be realistic and assume that not everyone could possibly learn both languages. But imagine if even half of this country learned francais? Maybe even two-thirds? That would be 15 to 20 million French speakers on the North American continent. 20 million French speaking Canadians (Quebec wouldn't be so alienated then, would it?) as opposed to six million French speaking Canadians as it stands (not all of Quebec's seven million are French speakers, please remember). Mr. Seguin, If you truly loved your first language, you'd be an ardent supporter of Canada. If you genuinely wanted to promote la belle langue, you'd try to convince the other 23 million citizens in Canada to get their act together and learn l'autre official language. But your politics, Mr. Seguin, are politics of exclusion. The PQ's politics are those of exclusion. The sovereigntist cause is one of exclusion.

It's 1:15 AM and I'm tired. I just got home from a concert. The band in question, Death From Above 1979, is one of the best I've heard in years. Check out their record, it's in stores now. The point is, the band's drummer and vocalist is named Sebastien Grainger. He's Franco-Ontarian and he was raised in French. At the band's Montreal date tonight however, he spoke mostly in English. Sebastien only uttered French vocabulary to swear. The crowd, unfortunately, loved it. Sebastien used a beautiful form of expression, the form of expression he was raised with, essentially for ridicule. Why? Because he, like so many Canadians, are wary of your antiquated ways. Stop the bitching, Marc-Andre. This is 2004, and your 1976 cause has done enough damage to this planet's most socially advanced nation-state. ■



# I Beg to Differ on Bilingualism : a response to Mr. Perri and Séguin

by Émélie-Anne Desjardins (Law IV)

Ainsi donc le français cause encore une fois plus d'émotions qu'il ne devrait. Les stéréotypes ayant la peau dure, et la faculté d'écouter autrui se faisant une vertu rare de nos jours, il faut s'attendre à ce que l'essence même de l'identité d'une communauté, sa langue, soit un sujet de controverse. Mais pour être franche, it's getting old.

Je ne renie pas ma langue. Je l'aime, et j'en tire une fierté qu'il est difficile d'exprimer, même avec la richesse du vocabulaire français. Mais je considère que protéger, ou plutôt promouvoir ma langue est une cause trop noble pour subir les excès pré-pubères d'individus qui clament à l'injustice d'un côté comme de l'autre. L'histoire prétendue des ancêtres de M. Séguin, largement étalée dans le volume du Quid de l'an passé, et maintenant les élucubrations adolescentes de la vie de M. Perri sont, bien que touchantes, complètement dépassées dans le contexte présent.

La question n'est pas de savoir qui, de M. Perri ou de M. Séguin, a raison ou tort, ou qui a subi le sort le plus pathétique. La question n'est pas de savoir ce que les arrières grand-pères de M. Séguin, et les miens sans doute, ont vécu et vu au Québec de leur temps. Nous n'y étions pas, pourquoi en faire un débat métaphysique? L'histoire n'est jamais impartiale, quelle que soit sa version. Ce n'est pas en croyant se rappeler l'injustice ou la justice passée que les problèmes présents se régleront. De la même façon, M. Perri n'a pas à se prononcer sur les pensées du Canada dans son entier en ne se basant que sur sa réaction personnelle, adolescente et révoltée face aux événements de 1995.

Oui préserver le français devrait être une priorité partout au Canada. Mais les stéréotypes, je l'ai dit, ont la peau dure. M. Perri a rendu maintes fois la chose évidente en faisant une association automatique entre les régions, le souverainisme et la haine de l'anglophone l'an passé, et cette fois en clamant que lors du référendum, il a banni le français de son vocabulaire, dans un instant

de révolte hormonale des plus frappants. M. Séguin clame quant à lui l'injustice de la répression envers les Canadiens-français dans le passé, et notre statut perpétuel de victime face à l'incompréhension et le mépris du reste du pays.

M. Perri, M. Séguin, le problème en est un de discrimination. Les francophones ne sont pas tous des séparatistes. Les nationalistes ne sont pas tous des séparatistes. Le débat politisé est ce qui fait le plus de mal au français. Il faut comprendre que le meilleur moyen de protéger la langue ici est par le pouvoir politique de voter des lois qui vont dans le sens voulu, mais de là à associer protection du français et exclusion ou français et séparatisme, c'est aller trop loin. De la même façon, croire que tous les anglophones du Canada ont des attitudes haineuses envers les francophones, qu'aucun ne veut apprendre le français et que tous méprisent l'héritage de la Nouvelle-France est erroné. Il faut oublier les stéréotypes, s'ouvrir l'esprit. Et par pitié, faire abstraction des erreurs historiques et adolescentes passées pour faire de ce débat un débat constructif. Surtout, il faut que l'un et l'autre côté cessent de tenter de s'imposer mutuellement leur langue et leurs idées. Le respect fera plus de bien que la force.

En terminant, j'ai été ravie, la fin de semaine dernière, de constater qu'un excellent groupe européen a maintenant sa place sur les étagères des disquaires d'ici. Les membres du groupe HIM, d'origine finlandaise, semblent avoir réussi à percer le marché international, exploit que seuls des groupes de Heavy Metal de leur pays avaient accompli avant eux (Nightwish, Stratovarius, Children of Bodom, pour ceux qui connaissent...) La raison pour laquelle cette constatation m'a tellement plu est le simple fait qu'ayant visité la Finlande, je dois différer de l'opinion de M. Perri. Le Canada n'est pas la nation de la planète la plus avancée socialement. Loin de là. Nous avons même beaucoup à apprendre de la Finlande. Vous voyez, en Finlande, le premier ministre est une femme. Tout comme la mairesse de la capitale. L'égalité salariale est absolue, les congés parentaux les mêmes pour les deux

parents. L'université est gratuite, et la plupart des étudiants reçoivent de l'argent de l'état pour subvenir à leurs besoins pendant leurs études. En Finlande, le système est axé sur le respect des individus et leur valorisation égale, ainsi que sur la protection de l'environnement. Parce qu'en plus, l'état finlandais prône le recyclage... et le composte!

Mais ce qui a de plus intéressant en l'instance en Finlande, c'est la condition de petites îles au Sud-Ouest du pays. En effet, en Finlande, 94.4% de la population parle Suomi (finlandais). Mais 5.6% de la population parle Suédois. Cette population est concentrée sur la côte, et sur une île, Åland, à laquelle la Finlande a accordé le statut de province autonome afin que la population puisse préserver sa langue et sa culture, tout en demeurant rattachée au pays légalement et constitutionnellement. La majorité des finlandais de la région qui ne sont pas suédois parlent quand même cette langue, qui demeure toutefois un sujet optionnel à l'école dans le reste du pays. Ne l'apprend que qui veut, mais l'héritage des suédois est sauvegardé dans Åland.

Alors, plutôt que vous regarder le nombril, peut-être qu'il faudrait écouter un peu de musique Suomi, regarder ailleurs et constater que la réponse n'est peut-être pas dans les problèmes passés, mais plutôt dans l'inspiration qui pourrait nous venir de l'ouverture d'esprit finlandaise. ■

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# Laundry Poetics

By Alex Campbell (Law II)

I was going to leave this poem on a scrap of paper in my room, likely to be discovered in a year or two when, once again, I pack my life into moving boxes. On a whim, I decided to make it my first submission to the Quid. My hope is that others will submit their creative work, definitely more profound than my suds-inspired musings, so that this student paper might become more about creating and less about ripping things down.

This piece has nothing to do with law, law school, or law school politics. It is something

I wrote after coming home from doing a load of laundry in the Plateau. Please do not divine a legal meaning. None waits to be found.  
Laundry Poetics

Yesterday, I had to stop myself from saying goodbye to a stranger in the Laundromat,  
I had to stuff the words back into my throat  
Because a few had dribbled out  
Into my mouth,  
Touching my lips.  
And my friend said to me,  
He looked at you as you left. Maybe he  
wanted to say something too.

Now gentle, Hollywood-aware reader,  
Might I insist that this is not the making of a romantic comedy,  
Rather, it is the connection between strangers  
Formed amidst the intimacy of the Laundromat  
Where underwear is folded  
And sheets are creased,  
Where conversations overheard produce a sense of knowing.

The experience made me light-hearted,  
Excited, in fact, by the chance of it. ■

## And Now For Something Completely Different...

by Andrew "First time caller, long time listener" Tischler (Law III)

I truly enjoyed some of the articles in last week's Quid, and thought that after a couple of years it was about time for me to send something in.

I wanted to congratulate the current LSA on a great start to the year. It seems like orientation went well, everyone seems happy and productive and most notably, the Bogenda concept and its early publication are strokes of genius.

That's really about it. After a while, griping can really be depressing and you can get the feeling that everything is falling apart and hanging together by a thread. It's always nice to see something positive about successes or triumphs.

By the way, Greg, I thought your article was hilarious.

Anyway, I'm apparently in a good mood now, so I thought I'd write in. Who knows how I'll feel after watching the US Presidential debate tomorrow night... ■

## Long Lost Cousins? Grads and 1st Years

by Tim Murphy, LLM candidate

Cliques are a fact of school life, maybe even human social organization in general. Law school is no exception. One can often see "birds of a feather" flocking together at coffeehouse and in the hallways around class. Of these cliques, the greatest divide seems to be between Grads and 1st years, but are they really so different?

To the untrained observer, it seems that Grads and first year students may have little in common. For starters, the Grads are a very international group. They hail from exotic locales like Iran, Romania, and Saskatchewan. They are studying legal rocket science and strange forms of judicial mysticism. However, let's not forget that McGill 1st year students are quite an accomplished group themselves. Many of them have Master's and PhD's in other disciplines.

In fact, they have more in common than either group may suspect. For

example, neither group has any friends on the first day of school. And more importantly, both groups like to drink like Dean Martin and Sammy Davis Jr. on a weekend bender in Vegas.

As the school year goes on, however, another difference arises. They have none of the same classes. This is true, but does anyone really know who half the people in their classes are anyway? The silent majority bee-lines to their usual seat, dons the legal blinders, and listens to the prof until it becomes so unbearable that only computer solitaire can save them.

The only remaining difference may be that the Grads have already survived law school and 1st years are only just getting started. True as that may be, the question remains whether either group will survive McGill. Maybe these "long lost cousins" are in a position to help each other after all. ■



## Wrongfully convicted man speaks out against capital punishment

MONTREAL, September 29, 2004 - Juan Melendez, who spent over 17 years on Florida's death row after being wrongfully convicted for murder, will speak at McGill's Faculty of Law next Thursday. Mr. Melendez was released in 2002 after suppressed evidence arose clearing his name.

A board member of the National Coalition to Abolish the Death Penalty, Mr. Melendez now speaks about his experiences to students and community groups across North America, delivering a powerful condemnation of capital punishment. He is appearing as a guest of the McGill Human Rights Working Group (HRWG).

"It only takes one or two sensational crimes to re-open the debate on capital punishment in Canada," says HRWG general coordinator Phil Alma. "Mr. Melendez's experiences show that Canada must never return to this abominable practice."

Despite Parliament's abolition of capital punishment in 1976, support for its return remains high among Canadians. A 2001 Ipsos-Reid poll showed 52 per cent of Canadians support a return of the death penalty. During the 2004 federal election, Conservative Party leader Stephen Harper said he would allow a free vote on any private member's bill on capital punishment.

Upon his exoneration and release from death row on January 3, 2002, Mr. Melendez became the 99th death row inmate in the United States to be exonerated and released since 1973. According to Amnesty International, at least 1,146 prisoners were executed in 28 countries and at least 2,756 people were sentenced to death worldwide in 2003.

Mr. Melendez will speak in the Moot Court at the McGill Faculty of Law, 3644 Peel Street, at 3:00 on Thursday, October 7. The Second World Congress Against the Death Penalty will be held in Montreal between October 6-9 at Place des Arts.

### McGill HRWG Contacts:

Phil Alma  
514-730-6123

The McGill Human Rights Working Group is a student-run organization in the Faculty of Law that aims to promote social justice issues in the faculty and the community (<http://humanrights.law.mcgill.ca/>).



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The CPO organizes the information and tools among the following CareerLink sections:

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- Calendar - Displays CPO events by date.
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- Toolbox - A list of online resources students can use for career research.

### **If I don't check CareerLink, can't I just get the same information from Notice Board and Faculty-wide emails?**

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